

**REMARKS**

The Specification has been amended to update the current status of related applications.

Claims 1; 3; and 5 have been amended. Claims 2 and 4 have been canceled.

Claims 1; 3; and 5 remain in the application. Of these, claim 1 is the sole independent method claim.

Reexamination and reconsideration are respectfully requested in light of the amendments and the remarks that follow.

The claims stand variously rejected under 35 U.S.C. § 102(e) or 103 based upon Swanson et al US 6,001,093 (Swanson). Swanson does not teach or suggest a method of applying RF current between a bi-polar pair of electrodes, which are spaced apart by an elongated electrically conductive material that is electrically insulated from the bi-polar pairs of electrodes, at the power and time period defined in amended claim 1, to direct a path of RF current generally parallel to the elongated axis through a tissue region contacted by the electrically conductive material. In Fig. 33 of Swanson (upon which the Examiner basis his rejection), the electrodes are unipolar. In Swanson's bi-polar mode (Fig. 30), the electrodes alternate polarity (see col. 23, lines 55 to 60). Swanson does not teach or suggest a bi-polar arrangement where a bi-polar pair of electrodes is separated by an electrically conductive material that is electrically insulated from the bi-polar pair.

The claims also stand rejected under the judicially created doctrine of obviousness-type double patenting based upon U.S. 6,169,926. Applicant will address this rejection at the time allowable subject matter is indicated.

Allowance of claims 1, 3, and 5 as amended is respectfully requested.

Respectfully Submitted,

By

  
Daniel D. Ryan, Reg. No. 29,243

RYAN KROMHOLZ & MANION, S.C.

Post Office Box 26618

Milwaukee, Wisconsin 53226

(262) 783 - 1300

Customer No.: 26308